

From: Alan De Smet
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

I am writing I am writing to comment on the proposed settlement in the case of United States v. Microsoft Corp, as allowed by the Tunney Act. The Proposed Final Judgment will not change Microsoft's use of monopoly power to illegally engage in anti-competitive behavior.

I am a software engineer. I have professionally developed software for four years. As a result of Microsoft's overwhelming market force, I have primarily developed applications for Microsoft operating systems and middleware.

The Proposed Final Judgment has several significant flaws. Most importantly, section III.J allows Microsoft to hide documentation on APIs and Communications Protocols if the documentation would compromise the security of one of more systems. This exception is unnecessary. A well designed and implemented system is in no way compromised by the release of documentation on it. If a system's security could be compromised by the release of documentation on the system, the system is insecure. Microsoft is capable of developing secure systems, however historical evidence indicates that Microsoft has chosen not to do so. By providing this exception, Microsoft is free to conceal essential documentation from OEMs and ISVs by using insecure systems whose security would be weakened by the release of the documentation.

Relatedly, the definitions which define which APIs and Communications Protocols are covered fail to cover the most essential APIs and Communication protocols which are part of the Barrier to Entry competitors face. To be truly effective, all APIs, Communications Protocols, and File Formats used by Microsoft Office products (including Word, Excel, Access, PowerPoint, and Outlook) must be made available to all ISVs. Without this information, ISVs will be unable to compete in the areas of operating systems or office productivity applications. Because of Microsoft's monopoly position, competing ISVs must provide extremely high levels of compatibility with Microsoft's Windows operating systems and Microsoft's Office application. If Microsoft is allowed to keep these interfaces secret for any reason, Microsoft will continue to manipulate them to produce incompatibilities with competing software.

The Proposed Final Judgment significantly fails to limit Microsoft's use of monopoly power to stifle competition. Without significant changes, Microsoft will continue to use its monopoly

position to crush competition and illegally maintain its monopoly position.

Sincerely,

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